

Serial No.: 10/827,476  
Inventor(s): Higgins et al.

U.S. PTO Customer No. 25280  
Case No.: 5615B

### REMARKS

#### *The Pending Claims*

Claims 1, 25 and 37 have been amended, Claims 12-18 and 46-47 have been cancelled without prejudice or disclaimer, and Claims 48-50 have been added. Thus, Claims 1-11, 19-45, and 48-50 are currently pending in the application.

#### *Summary of the Office Action*

The Office Action dated March 24, 2006, included the following rejections and/or comments:

1. Claims 1-14, 19, 20, 25, 26, 30-32, 37, and 39-47 were rejected under 35 U.S.C. 102(e) as being anticipated by Higgins et al (US Patent Application 2003/0203152), herein referred to as Higgins '152.
2. Claims 1-14, 19, 20, 25, 26, 30-32, 37, and 39-47 were rejected under 35 U.S.C. 102(e) as being anticipated by Higgins et al (US Patent Application 2004/0022991), herein referred to as Higgins '991 and Higgins et al (US Patent Application 2004/0022985), herein referred to as Higgins '985.
3. Claims 1-14, 19-32, and 37-47 were rejected under 35 U.S.C. 102(e) as being anticipated by Higgins et al (US Patent Application 2004/0022994), herein referred to as Higgins '994.
4. Claims 21-24 were rejected under 35 U.S.C. 102(e) as being anticipated by, or in the alternative, under 103(a) as being obvious over Higgins '152, Higgins '991, and Higgins '985.
5. Claims 15-18 and 33-36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins '152, Higgins '991, and Higgins '985 in view of Grant (US Patent Application 2003/0198795) and Desai (US Patent Application 2004/0258874)

In response to the rejections, objections, and/or comments, and in view of the above Amendments, Applicants provide the following Remarks:

Serial No.: 10/827,476  
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### *Discussion of the Rejections*

Claims 1-14, 19-32, and 37-47 were rejected as being anticipated by the Higgins references. As amended, claim 1 now has the recitation that the show surface comprises a surface selected from the group consisting of vinyl, ceramic, laminate, and wood. Applicants respectfully believe that none of the Higgins references specifically teach a friction enhancing coating composition on a product with a vinyl, ceramic, laminate, or wood show surface.

Claim 25 has the recitation that the surface covering element has an underside of PVC to which a friction enhancing coating composition is disposed in coated relation across the underside. Applicants respectfully believe that none of the Higgins references specifically teach a friction enhancing coating composition coated onto a surface covering element with an underside of PVC.

Claim 37 has the recitation the underside comprises a predrafted elliptically needled felt. Applicants respectfully believe that a predrafted, elliptically needled felt is different and not specifically disclosed by the general felt taught by Higgins. It is the present application, for example, on page 40, line 32 to page 41, line 7, which states:

"... it is believed that the predrafting of the fibrous web prior to needling in combination with the elliptical needling entanglement may provide a higher surface area for attachment of the coating material. Thus, the coating is deposited across a complex matrix structure. This avoids film formation, on the contact surface thereby maintaining an irregular high surface area for contact with the floor or other underlying structure. Thus, the improved performance is understood to result from the higher surface area and the fact that the coating material may be concentrated within the high surface area fiber matrix."

Therefore, Applicants respectfully request that the 102 rejections be withdrawn.

The obviousness rejections are all based in part or full on the Higgins references. Because each of the Higgins references ('152, '985, '991, '994) are only available as a reference under 102(e), Applicants believe that they have satisfied the first criteria needed to invoke the provisions under 35 U.S.C 103(c). Regarding the second criteria necessary to invoke the provisions of 35 U.S.C. 103 (c), Applicants also note that the present application and the Higgins references ('152, '985, '991, '994) were, at the time

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of the invention of the present subject matter, each subject to an obligation of assignment to Milliken & Company. For these reasons, Applicants believe that the Higgins references to be improperly used as prior art for the 103 based rejections against the present application.

### **Conclusion**

In view of the forgoing Amendments and Remarks, the Examiner is respectfully requested to withdraw the prior rejections and to pass the subject application to Allowance. In the event that the Examiner believes that the claims would be allowable with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

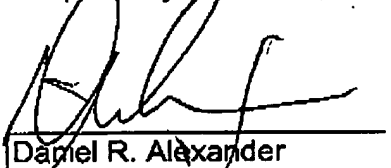
**Fee Authorization:** In the event that there are additional fees associated with the submission of these papers, Applicants hereby authorize the Commissioner to withdraw those fees from our Deposit Account No. 04-0500.

**Extension of Time:** In the event that additional time is required to have the papers submitted herewith for the above referenced application to be considered timely, Applicants hereby petition for any additional time required to make these papers timely and authorization is hereby granted to withdraw any additional fees necessary for this additional time from our Deposit Account No. 04-0500.

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